

**SUPREME COURT MINUTES  
THURSDAY, JULY 17, 2008  
SAN FRANCISCO, CALIFORNIA**

**S140547**      A104828/A104830/A105388/A105391  
First Appellate District, Div. 5

**ENVIRONMENTAL  
PROTECTION &  
INFORMATION CENTER v.  
CALIFORNIA DEPARTMENT  
OF FORESTRY & FIRE  
PROTECTION/(PACIFIC  
LUMBER COMPANY)**

Opinion filed: Judgment reversed

We therefore reverse the judgment of the Court of Appeal and remand to that court with directions to reinstate the judgment of the trial court insofar as the latter concluded that the SYP and state Incidental Take Permit approvals were invalid, and to remand the matter to the trial court for remediation of these approvals in a manner consistent with the views expressed in this opinion. The question whether the no surprises clauses, to the extent they are unlawful, can be severed, and the rest of the Incidental Take Permit reinstated, was not specifically addressed below. This question should be addressed by the trial court on remand.

The parties have not briefed in this court the question of interim remedies. Because this opinion concludes that the SYP was not properly approved, we hold that the interim remedy imposed by the trial court was proper. Arguments about whether the injunction should be modified due to changed circumstances or for any other reason should be addressed to the trial court.

In all other respects, we affirm the Court of Appeal judgment, including, inter alia, its rulings that the EIS/EIR and Streambed Alteration Agreement had been properly approved.

Each party is to bear its own costs.

Majority opinion by: Moreno, J.

-----joined by: George, C. J., Kennard, Baxter, Werdegarr, Chin, and Corrigan, JJ.

**S144813**      D045218 Fourth Appellate District, Div. 1

**BERGLUND (DANIEL L.) v.  
ARTHROSCOPIC & LASER  
SURGERY CENTER OF SAN  
DIEGO, L.P.**

Opinion filed: Judgment affirmed in full

Opinion by: Kennard, J.

-----joined by: George, C. J., Baxter, Werdegarr, Chin, Moreno, and Corrigan, JJ.

**S163282**      B199625 Second Appellate District, Div. 1      **PEOPLE v. FIGUEROA  
(RAFAEL H.)**

The time for granting or denying review in the above-entitled matter is hereby extended to August 28, 2008.

**S163583**      C052924 Third Appellate District      **PEOPLE v. CHAVEZ (DANNY  
ROBERT)**

The time for granting or denying review in the above-entitled matter is hereby extended to August 18, 2008.

**S163807**      B194069 Second Appellate District, Div. 8      **BOE & ASSOCIATES v. MGA  
ENTERTAINMENT, INC.**

The time for granting or denying review in the above-entitled matter is hereby extended to August 26, 2008.

**S163811**      B195197 Second Appellate District, Div. 5      **PEOPLE v. CONCHA  
(REYAS) & HERNANDEZ  
(JULIO)**

The time for granting or denying review in the above-entitled matter is hereby extended to August 25, 2008.

**S163821**      F051164 Fifth Appellate District      **PEOPLE v. GHAFUR  
(KHADIJAH A.)**

The time for granting or denying review in the above-entitled matter is hereby extended to August 25, 2008.

**S163830**      F051324 Fifth Appellate District      **PEOPLE v. HAMED  
(NAAZIM  
ABDUL)**

The time for granting or denying review in the above-entitled matter is hereby extended to August 25, 2008.

**S163935**      F050896 Fifth Appellate District      **PEOPLE v. GARZA (JULIAN)**  
The time for granting or denying review in the above-entitled matter is hereby extended to August 27, 2008.

**S163940** F051940 Fifth Appellate District

**PEOPLE v. ROMERO  
(GERARDO)**

The time for granting or denying review in the above-entitled matter is hereby extended to August 28, 2008.

**S163951** B189878 Second Appellate District, Div. 1

**PEOPLE v. BRAGGS  
(ARCHIE L.)**

The time for granting or denying review in the above-entitled matter is hereby extended to August 28, 2008.

**S163957** A115026 First Appellate District, Div. 5

**PEOPLE v. LUNSFORD  
(MARCELLA)**

The time for granting or denying review in the above-entitled matter is hereby extended to August 28, 2008.

**S164005** G037656 Fourth Appellate District, Div. 3

**PEOPLE v. REGALADO  
(BULMARO)**

The time for granting or denying review in the above-entitled matter is hereby extended to August 28, 2008.

**S164011** A117076 First Appellate District, Div. 5

**PEOPLE v. JACINTO  
(ARMANDO MONTER)**

The time for granting or denying review in the above-entitled matter is hereby extended to August 28, 2008.

**S164054** D052925 Fourth Appellate District, Div. 1

**CARSON (ROBERT) v. S.C.  
(PEOPLE)**

The time for granting or denying review in the above-entitled matter is hereby extended to August 28, 2008.

**S045696**

**PEOPLE v. GARCIA (RANDY  
EUGENE)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's reply brief is extended to September 19, 2008.

**S058019****PEOPLE v. CONTRERAS  
(GEORGE LOPEZ)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Christina Hitomi's representation that she anticipates filing the respondent's brief by January 31, 2009, counsel's request for an extension of time in which to file that brief is granted to September 17, 2008. After that date, only two further extensions totaling about 136 additional days are contemplated.

**S080837****PEOPLE v. DEBOSE, JR.,  
(DONALD RAY)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General David A. Wildman's representation that he anticipates filing the respondent's brief by December 19, 2008, counsel's request for an extension of time in which to file that brief is granted to September 22, 2008. After that date, only two further extensions totaling about 90 additional days are contemplated.

**S155094**

G036096/G036408/G036868

Fourth Appellate District, Div. 3

**EPISCOPAL CHURCH****CASES**

Extension of time granted

On application of the parties and good cause appearing, it is ordered that the time to serve and file the responses to the amicus curiae briefs is extended to August 5, 2008.

**S156659****PRIETO (ALFREDO) ON H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Federal Public Defender Statia Peakheart's representation that she anticipates filing the reply to the informal response to the petition for writ of habeas corpus by September 9, 2008, counsel's request for an extension of time in which to file that document is granted to September 9, 2008. After that date, no further extension is contemplated.

**S161545**

A114612 First Appellate District, Div. 2

**PEOPLE v. WYATT  
(REGINALD)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file the answer brief on the merits is extended to August 13, 2008. No further extensions of time are contemplated.

**S162655** G036774/G037091 Fourth Appellate District, Div. 3 **GOODMAN (RANDALL L.) v. LOZANO (JESUS)**

Extension of time granted

On application of appellants and good cause appearing, it is ordered that the time to serve and file the opening brief on the merits is extended to August 22, 2008.

**S163585** E045651 Fourth Appellate District, Div. 2 **GRIFFIN (ELLIOTT LEW) ON H.C.**

Extension of time denied

The application of petitioner for an extension of time to serve and file the reply to the answer to the petition is hereby denied.

**S163157** **CARDENAS ON DISCIPLINE**

Time extended to consider State Bar rehearing

The time for granting or denying rehearing for RAFAEL ARTURO CARDENAS is hereby extended to October 13, 2008, or the date upon which rehearing is either granted or denied, whichever occurs first.

**BAR MISC. 4186** **IN THE MATTER OF THE APPLICATION OF THE COMMITTEE OF BAR EXAMINERS OF THE STATE BAR OF CALIFORNIA FOR ADMISSION OF ATTORNEYS (MOTION NO. 825)**

The written motion of the Committee of Bar Examiners that the following named applicants, who have fulfilled the requirements for admission to practice law in the State of California, be admitted to the practice of law in this state is hereby granted, with permission to the applicants to take the oath before a competent officer at another time and place:

(SEE ORIGINAL APPLICATION FOR THE LIST OF NAMES ATTACHED.)

**BAR MISC. 4186** **IN THE MATTER OF THE APPLICATION OF THE COMMITTEE OF BAR EXAMINERS OF THE STATE BAR OF CALIFORNIA FOR ADMISSION OF ATTORNEYS (MOTION NO. 826)**

The written motion of the Committee of Bar Examiners that the following named applicants, who have fulfilled the requirements for admission to practice law in the State of California, be admitted to the practice of law in this state is hereby granted, with permission to the applicants to take the oath before a competent officer at another time and place:

(SEE ORIGINAL APPLICATION FOR THE LIST OF NAMES ATTACHED.)